

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BRIAN TAYLOR, et al.,

Plaintiffs,

v.

FRANCIS ERIC BOYD GILES, et al.,

Defendants.

Case No. 1:24-cv-213

Hon. Hala Y. Jarbou

ORDER

On January 30, 2025, the magistrate judge entered a report and recommendation (“R&R,” ECF No. 23) that this case be dismissed for lack of subject matter jurisdiction because the amended complaint (ECF No. 9) does not establish that there is complete diversity between the parties. No party filed objections to the R&R within the specified time. The Court reviews the magistrate judge’s determinations de novo, Fed. R. Civ. P. 72(b)(3), and adopts the R&R in full, finding that the magistrate’s analysis and conclusions are sound. Plaintiffs’ reference to their Michigan citizenship in their opposition to Defendants’ motion to dismiss (*see* Pls.’ Opp. to Defs.’ Mot. to Dismiss 6, ECF No. 18) does not excuse their failure to allege citizenship in the complaint. Plaintiffs may not “amend their complaint in an opposition brief or ask the court to consider new allegations (or evidence) not contained in the complaint.” *Bates v. Green Farms Condo. Ass’n*, 958 F.3d 470, 483 (6th Cir. 2020).

Accordingly,

IT IS ORDERED that the R&R (ECF No. 23) is **APPROVED** and **ADOPTED** as the opinion of the Court.

IT IS FURTHER ORDERED that Defendants’ motion to dismiss (ECF No. 17) is **GRANTED**.

IT IS FURTHER ORDERED that Plaintiffs' claims are **DISMISSED** for failure to allege facts establishing that the parties are of completely diverse citizenship, **WITHOUT PREJUDICE** to a refiling of the complaint that fully sets out Plaintiffs' citizenship.

The Court will issue a judgment consistent with this Order.

Dated: February 26, 2025

/s/ Hala Y. Jarbou
HALA Y. JARBOU
CHIEF UNITED STATES DISTRICT JUDGE